

EXHIBIT C

CONFIRMED FILE DATE: 1/6/2016

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Cause Nr.:

2016 - 00623

PAULA A. SIMS,
Plaintiff

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IN THE DISTRICT COURT

v.

HARRIS COUNTY, TEXAS

AMERICA'S FAMILY DENTAL LLP,
Defendant

269TH JUDICIAL DISTRICT

FILED
Chris Daniel
District Clerk
JAN 06 2016
Harris County, Texas
Deputy
1/2/3pm
m.h.h.

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE STATE DISTRICT JUDGE:

COMES NOW, PAULA A. SIMS, Plaintiff, and complains of AMERICA'S FAMILY DENTAL LLP, Defendant, as follows:

I.

PARTIES

Plaintiff Paula Sims is an individual residing in Harris County, Texas.

Defendant America's Family Dental LLP, is an active, for profit, limited liability partnership which may be served with process by serving one of its partners, Josh Gosnell, at 616 West Main Street, Tomball, Texas 77375.

II.

VENUE

Venue of this action is proper in Harris County, Texas because the parties to this lawsuit reside and transact business in Harris County, Texas, the actions, events, and transactions which gave rise to the causes of action alleged herein took place in Harris County, Texas, and the causes of action alleged herein also accrued in Harris County, Texas.

III.

NATURE OF LAWSUIT

This is a lawsuit involving sex and pregnancy discrimination and is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC Section 2000e et seq.

Defendant America's Family Dental LLP is a business which provides dental services. It

Page 2

is engaged in a business affecting commerce, as that term is defined in 42 USC Section 2000e(b). It has employed at least 15 employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and, therefore, is an "employer" within the meaning of 42 USC Section 2000e(b).

IV.

FACTS

Defendant hired the Plaintiff, a White female, in December 2008 in the position of Registered Dental Assistant. At all times relevant to this lawsuit Plaintiff worked for the Defendant in Harris County, Texas.

Defendant is owned and operated by Dr. Josh Gosnell. Around May 2012 he promoted the Plaintiff to Registered Dental Head. The promotion included a raise of about \$4,000.00 a year. Previously, Defendant paid the Plaintiff at the rate of \$18.00/hour. Plaintiff worked about 50 hours a week, but was not paid overtime wages for the ten (10) overtime hours. Defendant paid the Plaintiff around \$900.00/week, when, in fact, she should have been paid no less than \$990.00/week. At this rate, Defendant should have paid the Plaintiff around \$52,000.00 a year, plus the \$4,000.00 a year wage increase which went with Plaintiff's May 2012 promotion.

However, around June 1, 2012 Plaintiff informed Dr. Gosnell that she was pregnant. Dr. Gosnell's reaction was bizarre. He told the Plaintiff he did not know whether to fire her or not, and informed her he would have to consult with Casey Wilkerson, Registered Dental Assistant, to determine what to do with her. On June 6, 2012 Plaintiff met with Dr. Gosnell, Reba Rodano, Manager, and Dr. Turner. They informed the Plaintiff that she would be demoted from Registered Dental Assistant to Hygiene Assistant but that her wages would stay the same. They justified the demotion stating they did not want the Plaintiff to work around nitrous.

Since informing Dr. Gosnell of her pregnancy, he continued to make comments to co-workers and patients that he did not know what he was going to do with the Plaintiff, commented that Plaintiff was pregnant, and that he was going to fire her. He also told the Plaintiff, literally,

Page 3

that he was going to fire her due to her pregnancy. He also joked around the office that if anything went wrong around the office it was due to Plaintiff's pregnancy. Additionally, when Rodano interviewed new hires, Dr. Gosnell would interrupt the interviews to ask the female applicants if they were pregnant, sterile or wearing a chastity belt. Dr. Turner was informed of this matter. On November 12, 2012 Plaintiff was terminated.

There have been other pregnant females Defendant employed along the years. Many of them resigned after notifying Defendant of their pregnancy and after Dr. Gosnell created a hostile work environment for them. One was terminated while on maternity leave.

Subsequent to these events Plaintiff timely filed, on December 11, 2012, a charge of discrimination against the Defendant with the Equal Employment Opportunity Commission. The charge alleged sex and pregnancy discrimination.

On October 21, 2015 the EEOC issued the Plaintiff a right to sue, thereby allowing her to sue Defendant in court. Plaintiff filed this action within ninety (90) days of her receipt of the right to sue.

V.

PLAINTIFF'S CAUSE OF ACTION FOR SEX DISCRIMINATION

Plaintiff realleges all factual allegations set forth above and would show that Defendant is liable to her for sex and pregnancy discrimination under Title VII of the Civil Rights Act of 1964, as amended. At all times relevant to this lawsuit Plaintiff was, on account of her sex, female, and pregnancy, a member of a protected class. Defendant treated Plaintiff less favorably in the terms and conditions of her employment than its male employees because of her sex, female and pregnancy. This discrimination is the proximate cause of both economic and mental damages suffered by the Plaintiff.

Page 4

Plaintiff further realleges all facts stated above and would show that Defendant is liable to her for unlawful and discriminatory termination of employment. Plaintiff's sex, female, and pregnancy were, each, a motivating factor in Plaintiff's termination.

As a proximate result of the sex and pregnancy discrimination to which she was subjected, Plaintiff suffered extensive economic and mental damages.

Plaintiff satisfied all jurisdictional and procedural prerequisites for bringing this cause of action.

VI.

Pursuant to Texas Rule of Civil Procedure 54, all conditions precedent to Plaintiff's right to recover damages against the Defendant recited herein have occurred or have been performed.

VII.

Defendant's refusal to abide by its obligations has made it necessary for Plaintiff to employ the undersigned attorney to file this lawsuit. As such, Plaintiff requests this court to award a reasonable fee for the attorney's services rendered and to be rendered herein under both customary and statutory law.

VIII.

REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury and tenders the jury fee.

IX.

DAMAGES

Plaintiff is now suffering and will continue to suffer irreparable injury, monetary, emotional, actual, consequential, and compensatory damages as a result of Defendant's wrongful actions unless and until this court grants relief.

Defendant's actions against the Plaintiff have been perpetrated with malice, in bad faith,

Page 5

and with reckless disregard for her rights. Therefore, Plaintiff requests the court to impose exemplary damages.

X.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Paula A. Sims prays that Defendant America's Family Dental LLP be cited to appear and answer and that on final trial Plaintiff be granted relief as follows:

1. Judgment against the Defendant in excess of the minimum jurisdictional limits of this Court;
2. Injunctive relief and a directive by the court that Defendant's actions violated Title VII of the Civil Rights Act of 1964, as amended, and that Defendant cease and desist from such conduct in the future.
3. An award of actual, consequential, and compensatory damages on all counts;
4. An award of punitive damages on all counts;
5. Costs of suit and reasonable attorney's fees;
6. Prejudgment and postjudgment interest as provided by law; and
7. Such other and further relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

BY: *//ss// paula sims*

Paula Sims
9115 Orange Siren
Humble, Texas 77338
Tel 832-748-3571
Attorney pro se

RECORDER'S MEMORANDUM

This instrument is of poor quality
at the time of imaging

CIVIL CASE INFORMATION SHEET (Rev. 1/11)

2016 - 00623

269

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED

(e.g., John Smith v. All American Insurance Co. In re Mary Ann Jones. In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Paula Sims</u> Email: <u>sims.beatrice@yahoo.com</u> Address: <u>9115 Orange Street</u> Telephone: <u>832-746-3571</u> City/State/Zip: <u>Humble TX</u> Fax: _____ Signature: <u>Paula Sims</u> State Bar No: _____		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Paula Sims</u> Defendant(s)/Respondent(s): <u>America's Family Dental LLP</u> (Attach additional page as necessary to list all parties)		Person or entity completing sheet for: <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input checked="" type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input checked="" type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		Probate & Mental Health <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:	
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

FILED
Chris Daniel
District Clerk
JAN 06 2016
Harris County, Texas
Deputy
1:45 PM
Miles

10278486

RECORDER'S MEMORANDUM
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CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2016-00623 CURRENT COURT: 269

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original petition

FILE DATE OF MOTION: 11 Jan 16 2015
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: America's Family Dental
ADDRESS: 1616 West Main Street, Tomball TX 77375
AGENT, (if applicable): Josh Goshell

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☒ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

2. NAME: _____
ADDRESS: _____
AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Patricia Sims TEXAS BAR NO./ID NO. _____
MAILING ADDRESS: 915 Orange Street Dr. Humble TX 77338
PHONE NUMBER: 832 748-3571 FAX NUMBER: _____
area code phone number area code fax number
EMAIL ADDRESS: sims.beatrice@yahoo.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION
ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS

CONFIRMED FILE DATE: 1/25/2016

C 201600623

RECEIPT NO 22966
01-06-2016

75 00

CO1

TR # 73203897

PLAINTIFF SIMS, PAULA

vs

DEFENDANT AMERICAS FAMILY DENTAL LLP

In The 269th
Judicial District Court
of Harris County, Texas
269TH DISTRICT COURT
Houston, TX

CITATION

THE STATE OF TEXAS
County of Harris4C20
2886/HTO AMERICAS FAMILY DENTAL LLP BY SERVING ITS REGISTERED AGENT
JOSH GOSNELL
616 WEST MAIN STREET TOMBALL TX 77375FILED
Chris Daniel
District Clerk

JAN 25 2016

Times
Harris County Texas
Ex. [Signature]
DeputyAttached is a copy of PLAINTIFF'S ORIGINAL PETITIONThis instrument was filed on the 6th day of January, 2016, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING

This citation was issued on 7th day of January, 2016, under my hand and seal of said Court.

Issued at request of
SIMS, PAULA
9115 ORANGE SIREN DR
HUMBLE, TX 77338CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline Houston, Texas 77002
(P O Box 4651, Houston, Texas 77210)

Bar No 1

GENERATED BY TAYLOR, SHANELLE L 3VT/DBG/10278486

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____ M, on the _____ day of _____,

Executed at (address) _____ in

_____ County at _____ o'clock _____ M, on the _____ day of _____,

_____, by delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the _____ Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery

To certify which I affix my hand officially this _____ day of _____,

Fee \$ _____

_____ of _____ County, Texas

Affiant

By _____
Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____,

RECORDER'S MEMORANDUM
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Notary Public

N INT CITR P



Constable Return of Corporation

Cause # 201600623

Tracking # 73203897

In the case of SIMS, PAULA VS AMERICAS FAMILY DENTAL LLP a CITATION and attached petition was issued by the 269th court of harris County, texas and came to hand on the 12 day of January, 2016 at 2 53PM to be delivered at 616 West Main Street, Tomball, TX 77375 by delivering to AMERICAS FAMILY DENTAL LLP BY SERVING ITS REGISTER

Service of Corporation

Executed the same in harris County, Texas, on the 20 day of January, 2016 at 1 33PM by summoning AMERICAS FAMILY DENTAL LLP a Corporation at 616 West Main Street, Tomball, Texas 77375 By delivering to JOSH GOSNELL in person the registered agent of said Corporation a true copy of this CITATION, together with the accompanying certified copy of the petition

Fee \$ 75 00

by Deputy STEVE GARCIA

Printed

Deputy Signature

[Signature]

Attempts 2

Mark Herman , Constable Precinct #4

Harris County Texas

330 Meadowfern Dr, 2nd Fl
Houston, Texas 77067
(281) 401-6225

FILED

Chris Daniel
District Clerk

JAN 25 2016

Time

By

[Signature]
Harris County, Texas

Deputy

CAUSE NO. 2016-00623

PAULA SIMS	§	IN THE DISTRICT COURT OF
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
AMERICA'S FAMILY DENTAL LLP	§	269 th JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER,

America's Family Dental LLP ("America's Family Dental"), the Defendant in the above styled and numbered cause of action, in response to Plaintiff's Original Petition filed against it, respectfully shows unto this Honorable Court as follows:

I. GENERAL DENIAL

1. As authorized by Rule 92 of the Texas Rules of Civil Procedure, America's Family Dental enters a general denial of all matters pleaded by Plaintiff.

II. DEFENSES AND AFFIRMATIVE DEFENSES

2. Plaintiff's Petition fails, in whole or in part, to state a claim upon which relief may be granted.

3. Upon information and belief, Plaintiff has failed to meet the conditions precedent to an action under Title VII.

4. Some or all of Plaintiff's claims may be barred by the applicable statute of limitations or failure to exhaust administrative remedies within the statutory period.

5. Plaintiff's claims for damages are limited, in whole or in part, by the applicable statutory caps.

6. Defendant asserts all of the Defendant's decisions with respect to the Plaintiff were based on legitimate, nondiscriminatory reasons and were not pretexts for discrimination.

7. Plaintiff's claims are barred or limited to the extent Plaintiff has failed to mitigate her damages.

8. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, estoppel, laches and unclean hands.

9. To the extent that Plaintiff's allegations exceed the reasonable scope and investigation of the charges of discrimination that she filed, they are barred.

10. To the extent that Plaintiff engaged in misconduct, fraud, or other conduct that was discovered after Plaintiff applied for employment, any remedy otherwise available to Plaintiff in this action is limited by the after-acquired evidence doctrine.

11. Defendant asserts that punitive damages are not assessable.

12. Defendant asserts that Plaintiff is not entitled to attorneys' fees.

13. In the event that Plaintiff is entitled to any recovery, Defendant is entitled to a set-off in the amount that Plaintiff actually received, or in the exercise of reasonable diligence could have received, from other sources of recovery.

14. Defendant has made good-faith efforts to prevent discrimination in its workplace, and cannot be liable for the decisions of its agents, if any, or for punitive damages, to the extent the challenged employment decision was contrary to its good-faith efforts to comply with anti-discrimination statutes.

15. Defendant reserves the right to amend or assert additional defenses as they become apparent throughout the factual development of this case.

III. DEFENDANT'S SPECIAL EXCEPTIONS TO PLAINTIFF'S ORIGINAL PETITION

16. Defendant specially excepts to Paragraph V of Plaintiff's Original Petition on the ground that it alleges that "Defendant treated Plaintiff less favorably in the terms and conditions of employment than its male employees because of her sex, female, and pregnancy..." but fails to plead any facts upon which the conclusory allegation rests. Defendant requests that the court sustain this special exception and order that Plaintiff amend her pleading to provide fair notice of the underlying facts to support the conclusory allegation that Defendant treated Plaintiff less favorably in the terms and conditions of employment than its male employees because of her sex.

17. Defendant specifically excepts to Paragraph IX of Plaintiff's Original Petition on the ground that it alleges that Defendant's actions against the Plaintiff were perpetrated with malice, in bad faith, and with reckless disregard for her rights, but fails to plead any facts supporting such conclusory allegation. Defendant requests that the court sustain this special exception and order that Plaintiff amend her pleading to provide fair notice of the underlying facts upon which she bases her allegation of malice, bad faith and reckless disregard for Plaintiff's rights.

18. Defendant specifically excepts to Plaintiff's Petition on the ground that Plaintiff failed to plead the discovery level as required by Rule 190.1 of the Texas Rules of Civil Procedure. A plaintiff's failure to plead as required by Rule 190.1 is subject to special exception. Tex. R. Civ. P. 190.1, Comment 1.

19. Additionally, Defendant specifically excepts to Plaintiff's Original Petition on the ground that it fails to specify the maximum amount of damages claimed as required by Texas Rules of Civil Procedure 47©. According to Rule 47, "[U]pon special exception the court shall require the pleader to amend so as to specify the maximum amount claimed." Tex. R. Civ. P. 47. "A party

that fails to comply with Rule 47© of the Texas Rules of Civil Procedure may not conduct discovery until the party's pleading is amended to comply." *Id.* Accordingly, Plaintiff must plead the maximum amount of damages sought and Plaintiff may not conduct discovery until her pleading is amended to comply with Rule 47. *Id.*

20. Defendant requests the Court sustain its Special Exceptions and order Plaintiff to replead and cure her pleading defects and if Plaintiff does not cure her defects that Plaintiff's action be dismissed.

IV. RESPONSE TO DEMAND FOR JURY TRIAL

21. Plaintiff is not entitled to a jury trial on all of the claims and issues raised in her Original Petition, and Defendant does not consent to a jury trial of such issues.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff's action be dismissed with prejudice, and that the Court award Defendant its costs including reasonable attorney's fees, and any other and further relief that is deemed to be just and proper.

Respectfully Submitted,
WARD LAW FIRM

By: /s/ David A. Ward, Jr.

David A. Ward Jr.
SBN 00785177
Parkwood One
10077 Grogan's Mill Dr., Ste 450
The Woodlands, Texas 77380
Telephone: 281-362-7728
Facsimile: 281-362-7743
ward@dwardlaw.com
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that pursuant to the Texas Rules of Civil Procedure, a true and correct copy of the foregoing pleading was filed with the Harris County District Clerk and forwarded to all counsel of record via the Court's TEXFILE electronic filing system on this 10th day of February, 2016:

Pro Se

Paula Sims
9115 Orange Siren
Humble, Texas 77338

sims.beatrice@yahoo.com
CMRRR70041350000269156771

/s/David A. Ward, Jr.
David A. Ward, Jr.